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Vivek Bhanu

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03/27/2008

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EXAMINER

LIU, LIN

ART UNIT

PAPER NUMBER

2145

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DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

1. This Advisory Action is in regards to the most recent response filed on 03/11/2008.

Response to Arguments

2. After carefully reviewing the Applicant's remarks, the following is a list of Applicant's main concerns on the previous Office Action
 - a. On pages 6-7 of Applicant's remark, Applicant argues that "Rune does not describe concatenation of cache information to prepare a list as claimed. To the contrary, Rune describes that these functions are independent. For example, paragraph 33 expressly states: "the functionality of the inquiry scan transceiver is independent of the traffic and page scan transceivers." Thus, it is clear that the reference does not describe the use of an inquiry scan cache and a page scan cache together to form a list of visible remote devices".
 - b. On page 7 of Applicant's remark, Applicant argues that Virtanen's reference fails to teach or suggest "a page scan cache that is refreshed by way of an attempt to connect to at least one remote device", and that Virtanen's reference is not in the same field of endeavor with the system presented in Rune.
3. From Applicant's remark, it appears that the Applicant is misinterpreting the prior art of record by only citing a portion of the reference, e.g. paragraph 33 of Rune. Applicant has to take the reference as whole into consideration. In the instant case regarding argument **a**, the examiner disagrees. As disclosed in Rune's reference, the operation of the inquiry scan transceiver maybe performed independently in collecting

the roaming Bluetooth devices, but Rune also discloses that “after obtaining this information the Bluetooth roaming device may transmit to the page scan transceiver” (Rune: page 3, paragraph 33). Another instance of showing that the inquiry scan transceiver works with the page scan transceiver in Rune’s reference can be found in page 3, paragraphs 35-36, noted that the inquiry scan transceiver works with page scan transceiver in establishing the connection. In addition, on the other hand, the presently recited claim does not explicitly require that the inquiry scan and page scan transceivers are not independent from each other in collecting the Bluetooth devices within the vicinity of the device.

4. With regard to point **b**, the examiner disagrees. Again, Applicant has to view the references as whole into consideration. In the instant case, “a method to refresh a page scan by way of an attempt to connect to at least one remote device” is taught by Melpignano (Melpignano: col. 10, lines 45-63), the motivation to combine this reference can be found from the previous action. On the other hand, Virtanen's reference is taken to remedy the deficiency of “forming a complete list of detected Bluetooth devices by concatenating the lists collected by the inquiry scan and page scan transceivers” (Virtanen: fig. 2, 4-5, page 2, paragraphs 20-21, page 3, paragraphs 32-33), noted that a complete list of Bluetooth devices is displayed to the user. Furthermore, in responding to “Virtanen’s reference is not in the same field of endeavor with the system presented in Rune”. The examiner disagrees. Rune’s reference is directed toward performing Bluetooth devices searching within the vicinity of the device in low-level and detailed method (Rune: abstract, fig 6-8, and page 3, paragraphs 33-37), similarly, Virtanen's

reference is also directed toward, performing detecting Bluetooth devices and forming a complete list of the Bluetooth devices (Virtanen: abstract, fig. 2-5, page 2, paragraphs 20-21, and page 3, paragraphs 32-33).

5. In addition, it appears that applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/L. L./

/Lin Liu/

Examiner, Art Unit 2145